



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

August 14, 2023

Bruce Taylor
Taylor Service Company
Historic Ellicott Properties, Inc.
8 Park Center Ct, Suite 200
Owings Mills, MD 21117

RE: WP-21-012 Taylor Highlands & Gatherings at Taylor Place
Update -Decision pursuant to Board of Appeals D+O #787-D

Dear Mr. Taylor:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project has been updated.

On August 3, 2023, Pursuant to and consistent with the D+O for case #787-D the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability **approved** your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove specimen trees ST #64, #2020-8, and #2020-10 for the proposed Taylor Highlands and Gatherings at Taylor Place development projects. Please see the attached Final Decision Action Report for more information.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats and site development plans. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Anthony Cataldo at (410) 313-2350 or email at acataldo@howardcountymd.gov.

Sincerely, DocuSigned by:

Anthony Cataldo, AICP, Chief
Division of Land Development

cc: Research [Section 16.1205(a)(3) - 16 tree req/ 16 tree app]
DED
DLD - Julia Sauer, Eric Buschman
Real Estate Services
Marian Honecny- DNR
Vogel Engineering + Timmons



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-21-012 Taylor Highlands & Gatherings at Taylor Place**
Remanded decision pursuant to Board of Appeals D+O #787-D

Applicant: Bruce Taylor
Taylor Service Company
Historic Ellicott Properties, Inc.
8 Park Center Ct, Suite 200
Owings Mills, MD 21117

On April 13, 2023, the Board of Appeals reviewed case #787-D which was a partial appeal to the decision of WP-21-012, denial of removal of Specimen Trees #64, #2020-8, and #2020-10. According to the Decision and Order for that case issued on July 17, 2023, the Board of Appeals ruled that the applicant met the unwarranted hardship threshold, reversed the denial of removal of Specimen Trees #64, #2020-8, and #2020-10, and remanded the approval decision back to the Department of Planning and Zoning to approve the specimen tree removal.

Pursuant to and consistent with the D+O for case #787-D, at the meeting held on August 3, 2023 the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability hereby approve the waiver request WP-21-012 to include removal of Specimen Trees #64, #2020-8, and #2020-10 in accordance with the Board’s Order for a total of 16 specimen trees to be removed. In doing so, the prior conditions of approval shall be amended to include ST #64, #2020-8, and #2020-10 within condition #1, eliminate condition #2, and include 6 additional mitigation trees in condition #3, for a total of 32 native shade trees, 3” DBH to be planted within the project boundary. All other previous conditions of approval remain applicable.

DocuSigned by:

4220B635863942E...

Lynda Eisenberg, Director

Department of Planning and Zoning

DocuSigned by:

8226CB2AA8164F1

Nicholas Mooneyhan, Director

Department of Recreation and Parks

DocuSigned by:

AEB6003A8F04A0

Timothy Lattimer, Administrator

Office of Community Sustainability

cc: Research / DED / OCS, Timothy Lattimer / DRP, Nicholas Mooneyhan / Vogel Engineering + Timmons



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

July 23, 2021

Bruce Taylor
Taylor Service Company
Historic Ellicott Properties, Inc.
8 Park Center Ct, Suite 200
Owings Mills, MD 21117

RE: WP-21-012 Taylor Highlands & Gatherings at Taylor Place

Dear Mr. Taylor:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On June 11, 2021 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** a portion of your request for a variance with respect to **Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to remove specimen trees for the proposed Taylor Highlands and Gatherings at Taylor Place development projects. The approval is to remove 13 of the 16 requested Specimen Trees. Please see the attached Final Decision Action Report for more information.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats and site development plans. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

cc: Research [Section 16.1205(a)(3) - 16 tree req/ 13 tree app]
DED
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
Vogel Engineering + Timmons



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-21-012 Taylor Highlands & Gatherings at Taylor Place**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Bruce Taylor
Taylor Service Company
Historic Ellicott Properties, Inc.
8 Park Center Ct, Suite 200
Owings Mills, MD 21117

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to remove specimen trees for the proposed Taylor Highlands and Gatherings at Taylor Place development projects. The Directors deliberated the application in a meeting on June 11, 2021.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.1216:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The Taylor Highlands development area is located within the Tiber Branch watershed and is subject to additional stormwater management quantity control regulations, which requires additional area for stormwater detention. The site was also designed to complete the existing Taylor Way road network which provides a connection to the adjacent Village Crest development and College Avenue. The existing hospital campus (Sheppard Pratt) is proposed to continue operating while Phase 1 of the Taylor Highlands development is planned and constructed. This requires the proposed development to be designed in a way that will allow the existing hospital buildings and parking lots to be accessible.

The potential for retention of specimen trees in the "Gatherings at Taylor Place" development area is limited due to the existing topography, age restricted adult housing (ARAH) design requirements and the location of onsite environmental features and buffers. The site is zoned 'POR' and is proposed to be developed as ARAH in accordance with the regulations. This requires the site to be designed to maximize handicap accessibility, including extensive grading and retaining walls to minimize slopes. The proposed rear-loaded townhouse units were

designed to accommodate grade by creating lower level garages and first floor entries. The proposed townhouses are appropriately oriented to College Avenue in accordance with scenic road guidelines.

Specimen Trees #61, 65, 66, 68, 69 and 113 are White Ash trees, which have been killed by the Emerald Ash Borer. The trees are still upright and standing, but they are dead and will be a hazard to the future residents and it is recommended that they be approved for removal. Specimen Trees #63, 67, 126 and 2020-9 are in very poor condition, as confirmed by the Dept. of Recreation and Parks. They will also be a hazard to the future residents and it is recommended that they be removed as part of this development. An alternative design was submitted by the applicant, which retained 3 of the healthier specimen trees- ST #64, #2020-8 and #2020-10. This alternative design is recommended by DPZ to retain the 3 healthier specimen trees in the Gatherings at Taylor Place development area along College Avenue. While the existing topography and environmental features create a special condition, the justification provided by the applicant was related to the financial loss of 12 residential units. Given the overall yield of 95 units, the loss of approximately 13% of the development potential does not constitute an unwarranted hardship.

The Taylor Highlands development area is restricted by topography, environmental features, stormwater management regulations and the location of the existing road access and hospital campus. There are four specimen trees proposed to be removed in the Taylor Highlands- Phase 1 area. Two of the trees are located near the proposed sewer connection to the pumping station at New Cut Road (ST #11 and #126) and will be heavily impacted by grading and utility construction. The other two trees (ST #2020-3 and #2020-4) are located within the development area and will be heavily impacted by grading ranging from 14' of fill to 6' of cut. Retaining these trees on site would preclude redevelopment of the site by reducing the ability to connect to the existing New Cut Road pumping station and appropriately grade the site for the required utilities, representing an unwarranted hardship.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.

Enforcement of the regulations would deprive the landowner from reasonably developing the property in accordance with the permitted uses in the regulations. The Gatherings at Taylor Place is zoned 'POR' and is proposed as ARAH. This restricts the development area due to site design limitations and extensive grading which is required to achieve minimal slopes. Six of the trees in this area (Specimen Trees #61, 65, 66, 68, 69 and 113) are dead and three others are in poor condition (Specimen Trees #63, 67 and 2020-9). Enforcement of the regulations would require these trees to remain, which would deprive the landowner of the right to remove dead and hazardous trees, a right commonly enjoyed by property owners. The Taylor Highlands development area is zoned 'R-A-15' and requires extensive grading to construct the proposed apartments and condominium/townhouse buildings. If the grading were eliminated to protect Specimen Trees #11, 126, 2020-3, and 2020-4, then a significant portion of the infrastructure and development could not be constructed with the required utility connections.

3. Verify that the granting of a variance will not adversely affect water quality.

The granting of a variance will not adversely affect water quality. Historically the property has been developed with a hospital campus with little or no stormwater management. The proposed development plans will be required to meet all current stormwater management regulations, including increased standards associated with the Tiber Branch watershed. The dead specimen trees will be replaced with young native shade trees, which will be a benefit to water quality. A significant portion of the western portion of the property (Taylor Highlands) will be preserved in forest conservation easements to protect the steep slopes extending down to the New Cut Branch stream.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.

Approval will not confer on the applicant a special privilege that would be denied to other applicants. Six of the trees are dead and hazardous to safety and future development. The property has multiple physical constraints and extensive grading will be required to construct the proposed developments. A large contiguous area of existing forest will be preserved along the western portion of the property which includes steep slopes extending down to the New Cut Branch stream. The removal of Specimen Trees #11, 61, 63, 65-69, 113, 126, 2020-3, 2020-4 and 2020-9 will provide for reasonable development of the parcel with units, required utilities, roadways, and SWM facilities.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.

The variance request is not based on conditions which are the result of actions by the applicant. The topographic conditions, environmental features, existing access locations and stormwater regulations limit the development area and potential site design. Six of the specimen trees are dead as a result of infestation by the Emerald Ash Borer. An additional four specimen trees are in poor condition and are not likely to survive, which will eventually become a hazard for the new development. The existing topography on site and utility/roadway connections required to tie into existing facilities have impacts on the remaining trees to be removed by the proposal.

6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There is no evidence that the site conditions arise from a condition relating to land or building use on a neighboring property.

7. Provide any other information appropriate to support the request.

The applicant provided supporting data including detailed assessments from two certified arborists, photos of the specimen trees to be removed and alternative designs to support the request. The original request also included Specimen Trees #129, 128, 2020-1, 2020-5 and 2020-6 for removal. Based on comments issued by the County in a deferral letter dated 9/17/20 and a "revise and resubmit" letter dated 12/11/20, alternative designs were pursued by the applicant and these trees are no longer requested for removal.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following conditions:

1. The removal of Specimen Trees #11, 61, 63, 65, 66, 67, 68, 69, 113, 126, 2020-3, 2020-4 and 2020-9 is permitted as shown on the alternative compliance plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request. Protective measures shall be utilized during construction to protect the specimen trees that are proposed to remain. Details of the tree protection measures shall be included on all applicable development plans.
2. Specimen Trees #64, #2020-8 and #2020-10 are not approved for removal under this alternative compliance request and are required to be protected during construction. Tree protection measures shall be provided on all applicable development plans.
3. The applicant shall plant a minimum of 26 native shade trees with a planting size of 3"+ DBH within the project limits to mitigate the removal of the 13 specimen trees. The plantings will be bonded as part of the landscaping surety associated with the Taylor Highlands and/or Gatherings at Taylor Place development plans. The trees shall be monitored for at least 3 growing seasons and replaced in-kind if the plantings do not survive. The locations, species and planting specifications will be reviewed by DPZ as part of the landscaping plans.

4. The forest conservation obligation for Taylor Highlands and the Gatherings at Taylor Place shall be satisfied onsite to the maximum extent possible through the retention of existing forest and planting of afforestation areas. The onsite forest conservation shall be provided at a minimum as shown on the alternative compliance plan exhibit. The steep slopes, wetland buffers, stream buffers and specimen trees will be the highest priority areas for retention and/or afforestation. The locations of the forest conservation easements will be reviewed and approved by DPZ on the forest conservation plans.
5. The developer shall remove all debris from the intermittent stream channel and buffer in the rear of the existing maintenance building, as shown on the alternative compliance plan exhibit. Riparian plantings, live staking or similar restoration practices may be required to prevent continued erosion within the stream channel. Details shall be provided with the site development plan.
6. All pavement and gravel along the existing service drive extending from New Cut Road to the development area shall be removed and the area shall be planted and placed within a Forest Conservation Easement, as shown on the alternative compliance plan exhibit.

DocuSigned by:

Amy Gowan

5B4D5DD9470C4D4...

Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delerme

88D74370827248A...

Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

3241B974513F4B7...

Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DRP, Raul Delerme
Vogel Engineering + Timmons



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

September 17, 2020

Taylor Service Company
Historic Ellicott Properties, Inc.
Taylor Ellicott City Properties, Inc.
c/o Taylor Property Group
8 Park Center Ct, Suite 200
Owings Mills, MD 21117

RE: WP-21-012 Taylor Highlands & Gatherings at Taylor Place

Dear Dr. Taylor:

Regarding the above referenced alternative compliance petition, this Division is advising you that no action can be taken until the enclosed comments have been addressed and the requested additional information is provided.

Copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

Agency: DLD #Copies: 1

The requested information/revised plans must be submitted to this Division within **45 days*** of the date of this letter (**on or before November 1, 2020**), or this Division will recommend that the Directors deny this alternative compliance petition.

Please refer to the Department of Planning and Zoning website for current business processes during this time. The revised submission materials can be mailed to the Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 21043 or dropped into the bin labeled 'DPZ' in the George Howard Building lobby. Submission material can also be emailed to planning@howardcountymd.gov for processing.

***Deadlines for submission are pursuant to the Fifth Edition of the Subdivision and Land Development Regulations. Pursuant to Executive Order 2020-04, and as per DPZ Director Department Order dated April 14, 2020, certain deadlines are reinstated. Should those deadlines lapse while Executive Order 2020-03 is in effect, those deadlines are automatically extended to (30 days) beyond the termination of the order.**

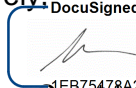
Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action.

Please include a copy of this letter with your submission.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,

DocuSigned by:



Anthony Cataldo, AICP, Chief
Division of Land Development

Enclosed: DLD comments, OCS comments
cc: Research
File
DLD – Julia Sauer
Vogel Engineering + Timmons Group



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Taylor Highlands and Gatherings at Taylor Place

Subdivision Name/Property Identification: Taylor Place

Location of property: 4100 College Ave Ellicott City

Existing Use: Medical Hospital Complex **Proposed Use:** Residential

Tax Map: 25 **Grid:** 20 **Parcel No:** 7374+93 **Election District:** 2nd

Zoning District: PCR + R-2-15 **Total site area:** 64.6 ac

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

SP-16-013, DP-17-002, ECP-18-028
ECP-15-07C, WP-19-072
WP-17-048

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
<u>16.1205(a)(3)</u>	<u>Retention of trees 30" diameter or larger</u>

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

[Handwritten Signature]

Date:

8/5/2020

Signature of Petitioner Preparer:

[Handwritten Signature]

Date:

8-14-20

Name of Property Owner:

Taylor Service Company
Historic Ellicott Properties, Inc.
Taylor Ellicott City

Name of Petition Preparer:

Vogel Engineering + Timmons Group

Address:

c/o Taylor Property Group
8 Park Center Ct, SEF200
Owings Mills, MD 21117-5616

Address:

3300 N. Ridge Rd, Suite 110

City, State, Zip:

[Redacted]

City, State, Zip:

Ellicott City, M.D 21043

E-Mail:

btaylor@taylor-service.com

E-Mail:

rob.vogel@timmons.com

Phone No.:

410-465-9500

Phone No.:

410-461-7666

Contact Person:

Bruce Taylor

Contact Person:

Robert H. Vogel

Owner's Authorization Attached